

**REMARKS**

**STATUS OF THE CLAIMS**

Claims 1-31 are pending in the application.

Claims 1-3, 6-10, 13, 15, 18 and 32-61 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over USP 6,633,757 to R. Hermann, *et. al.*, issued October 14, 2003, filed January 19, 2000 (Hermann) in view of USP 6,738,766 to Peng, issued May 18, 2004, filed February 1, 2001 (Peng) and USP 7,158,176 to T. Tokkonen, issued January 2, 2007, filed March 1, 2002 (Tokkonen).

Claims 4-5, 11, 12, 16, 17, and 19-31 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Hermann in view of Peng and Tokkonen as applied above and further in view of USP 6,721,787 to Hiscock, issued April 13, 2004, filed February 10, 2000 (Hiscock).

**INTERVIEW SUMMARY:**

Applicants' attorney thanks Examiner Huang Thai for the courtesy of a personal interview conducted June 27, 2007, based on a draft response to a final office action, dated March 28, 2007, for the subject application. The draft response was faxed to the Examiner on June 20, 2007. Claims 1 and 15 were discussed at the Interview as representative of the claimed subject matter. The Examiner agreed that the cited art did not disclose the feature "examine at least one control parameter from the group comprising application states; user-defined application settings and macros, wherein the macros comprise (i) auto-download, (ii) downloadable, (iii) auto-launch-everything and (iv) transfer and state indications", and amending the independent claims to include such feature would overcome the cited art, alone or in combination. Applicants' attorney agreed to include the examine feature in the independent claims. The Examiner also noted the computer program product claim 15 and the like should be amended to recite "computer readable medium encoded with computer executable instructions" to comply with the approved PTO format for computer related inventions. Applicants' attorney agreed to conform the preamble of computer related inventions to the approved PTO format. The interview discussions and results were incorporated in an Interview Summary.

For purposes of the record, Applicants include in the Preliminary Amendment the response to the final office action of March 28, 2007, as follows:

**RESPONSE TO THE REJECTIONS UNDER 35 USC 103 (a):**

Applicants respond to the indicated Paragraphs of the subject Office Action and to expedite the prosecution of the application, limit the response to independent claims 1, 7, 8, 14, 15, 19, 24, 29, 32, 39, 46, 47 and 53 only, without prejudice to the patentability status of the related dependent claims, as follows:

**A. PARAGRAPHS 1/2:**

Independent Claims 1, 7, 8, 14, 15, 32, 39, 46, 47 and 53 include features not disclosed or suggested in Hermann in view of Peng and Tokkonen, and overcome the rejection under 35 U.S.C. § 103 (a), as follows:

1. Claim 1 includes features, as follows:

(i) a memory device including a distributed application directory, the directory listing at least all applications resident in the wireless device; and

No comment.

(ii) a processor disposed in communication with the memory device for controlling access to an application program in the device, the processor configured to:

No comment.

(iii) exchange distributed application directory information with a nearby wireless device over a wireless ad-hoc communications network for providing a combined distributed application directory listing;

Hermann at column 7, lines 35-61 and column 8, lines 18-28 discloses that each device in the ad-hoc communication network broadcasts/announces a list of services provided. There is no disclosure or suggestion that the network devices exchange their application or service listings with each other such that each network device has a combined distributed applications directory of applications available in the network, as described in Applicants' specification at Paragraph 0052-0058.

(iv) choose a selected application from a list of application programs in

the combined distributed applications directory;

The Examiner contends that Peng at column 5, line 1+ discloses ordering applications in a mobile device based upon frequency of use and time. The applications are contained in an application selection table 218, described at Peng at column 7, lines 1-9. The table contains application selection records which are periodically updated to a gateway. Applicants can find no disclosure in the cited text choosing an application from a combined application directory in a mobile device, when Peng uploads application from the mobile device to a gateway.

(v) assign a priority for the selected application based on the combined distributed applications directory, wherein the priority is calculated from a local application priority and corresponding application priority of the nearby device;

The Examiner contends that Tokkonen at col. 4, lines 30-33 discloses assigning priority to applications based upon several application priorities in a wireless environment. The priority assignment for an application is based on several parameters, such as: age parameter; space parameter; move penalty parameter. In contrast, applicants at paragraph 0032 discloses a numerical value in a given range (e.g., the range 0-127) is assigned to an application that defines the willingness for a user to automatically launch an application program when several applications need to be automatically launched using a connection between pairs of wireless devices. The first application program to be launched is the application program having the highest sum of the two Auto-Launch Priority values, the local application priority and the application priority to the peer device. Applicants can find no disclosure in Tokkonen of assigning a priority for an application based upon a local parameter and a corresponding application of a nearby device.

(vi) examine at least one control parameter in the combined distributed applications directory associated with the selected prioritized application; and

The Examiner contends a URL is a control parameter for an application. The URL describes an address of a reference. In contrast, Applicants disclose in Applicants' specification at Paragraph 0027, three categories of control parameters, (a) application states, (b) user-defined application settings, and (c) macros (i.e., combinations

of user-defined application settings). Clearly a URL does not describe a control parameter as described in applicants' specification.

(vii) determine a behavior for the selected application based on the assigned priority and the at least one control parameter.

The cited art for reasons indicated above in sub-paragraphs (v) and (vi) fails to disclose priority assignment and control parameters. Moreover applicants can find no disclosure nor has the Examiner identified any disclosure in the cited art relating to application behavior as described in Applicants' specification at Paragraphs 0009 and 00010.

Summarizing, the cited art fails to disclose or suggest features (iii) -- (vii) and does not support the rejection of claim 1 under 35 U.S.C. § 103 (a). Withdrawal of the rejection and allowance of claim are requested.

2. Claims 7, 8, 14, 15, 32, 39, 46, 47, and 53 include at least one of the features below, as follows:

(i) choose a selected application from a list of prioritized application programs in the distributed applications directory by retrieving an entry from the distributed application directory stored in the middleware layer portion of the memory device, the entry associating the selected prioritized application and the nearby device and including said at least one control parameter; and

Applicants can find no disclosure nor has the Examiner identified any disclosure in the cited art relating to control parameters, as discussed above in the consideration of claim 1, feature (vi)

(ii) examine at least one control parameter associated with the selected prioritized application, wherein said at least one control parameter dictates a behavior of the selected prioritized application;

Applicants can find no disclosure nor has the Examiner identified any disclosure in the cited art relating to control parameters, as discussed above in the consideration of claim 1, feature (vi).

(iii) wherein the choice of the selected application is based on a priority

assigned to the entry, wherein the priority is calculated from a local application priority and the corresponding application priority to the nearby device.

The cited art fails to disclose priority calculation for reasons indicated in the consideration of claim 1, feature (v)

Summarizing, the cited art, alone or in combination, fails to disclose or suggest the features (i) – (iii), for the reasons indicated above or in the consideration of claim 1 features. Withdrawal of the rejection under 35 U.S.C. § 103 (a) and allowance of claims 7, 8, 14, 15, 32, 30, 46, 47 and 53 are requested.

**B. PARAGRAPH 3:**

Independent claims 19, 24, and 29 include features not disclosed or suggested in Herman in view of Peng and Tokkonen; in further view of Hiscock, and overcome the rejection under 35 U.S.C. § 103(a), as follows:

1. Claims 19, 24 and 29 includes features, as follows:

- (i) assign a priority for the requested application based on the combined distributed applications directory, wherein the priority is calculated from a local application priority and corresponding application priority of the nearby device;
- (ii) examine at least one control parameter in the combined distributed applications directory associated with a matching application program in the nearby device for connection to the requested prioritized application ; and
- (iii) determine a behavior for the requested application based on the assigned priority and the at least one control parameter.

The Examiner contends that Hermann, Peng and Tokkonen disclose the features (i)-(iii), above. Applicants' disagree, as follows: The Examiner has not identified any disclosure in the cited art where (a) application priority is calculated on the basis of a local priority and the corresponding priority of a nearby device in an ad-hoc network, as described in Applicants' specification at Paragraph 0032; (b) connecting a local application to matching application in a nearby device via a control parameter for the matching application in a local application directory, as described in Applicants' specification at Paragraph 0053, and (c) determining a behavior for an application based on its priority and control parameter

as described in applicants' specification at Paragraph 0011.

The rejection of claims 19, 24 and 29 is without support in the cited art for the reasons indicated above. Withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of claim 19, 24 and 29 are requested.

### **CONCLUSION**

Applicants have demonstrated in the response:

(1) The cited art does not disclose the feature "examine at least one control parameter from the group comprising application states; user-defined application settings and macros, wherein the macros comprise (i) auto-download, (ii) downloadable, (iii) auto-launch-everything and (iv) transfer and state indications associated with the selected application;" based on the Interview conducted June 27, 2007.

(2) The cited art, alone or in combination, does not disclose or suggest controlling access to an application in an ad-hoc network via a combined distributed application directory for the network where (a) the application maybe prioritized and/or preferred; (b) the prioritization is based on a local device and a nearby device; a control parameter is assigned to the application, according to access status, and (c) behavior of the application is based on application priority and a control parameter,

(3) The rejection of obviousness is not supported by the Graham Factual in MPEP 2141.35, and

(4) The rejected independent claims include similar elements to those recited in allowed claim 63.

Applicants request withdrawal of the rejection of independent claims 1, 7, 8, 14, 15, 19, 24, 29, 32, 39, 46, 47, and 53 under 35 U.S.C. § 103 (a) for lack of support in the cited art ; entry of the amendment; allowance of independent and dependent claims 1-63, and passage to issue of the application are requested.

Response to Final Office Action mailed March 29, 2007

**AUTHORIZATION**

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4500, Order No. 4208-4149.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4500, Order No. 4208-4149.

Respectfully submitted,  
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